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FISCAL IMPACT STATEMENT

LS 6693

BILL NUMBER: SB 404

NOTE PREPARED: Jan 3, 2015

BILL AMENDED:

SUBJECT: Manure Structure Approval Disclosure Requirements.

FIRST AUTHOR: Sen. Raatz

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that an application to the Indiana Department of Environmental Management (IDEM) for approval of the construction or expansion of a satellite manure storage structure must include a disclosure statement providing certain information about each "responsible party" (each individual who is an applicant or an officer, director, or senior management official of an entity that is an applicant) about whom there has been an allegation of an act or omission constituting a material violation of state, federal, or foreign environmental law that presented a substantial endangerment to human health or the environment.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Disclosure Statements:* This bill requires a responsible party to submit to IDEM a disclosure statement when applying for approval for construction or expansion of a satellite manure storage structure. The bill provides that IDEM may investigate and verify the information provided. Workload impacts for IDEM will depend upon the number of applicants seeking approval related to satellite manure storage structures and whether investigations of the information contained in the disclosure statements are conducted.

Additional Information - There were two satellite manure storage structures that existed before HEA 1187-2011 was enacted providing that IDEM approve requests for construction of a manure storage structure designed to hold at least 1,000,000 gallons of liquid manure. The rule making process is still being conducted for the administrative rules that will apply to the structures.

Penalty for Perjury: This bill provides that disclosure statements are subject to the penalty for perjury, which is a Level 6 felony. A Level 6 felony is punishable by a prison term ranging from 6 months to 30 months or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The advisory sentence is one year. Level 6 offenders can receive good time credit of 50%. Consequently, Level 6 offenders can be released from prison after serving one half of the sentence.

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner.

Explanation of State Revenues: *Penalty for Perjury:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Level 6 felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: *Penalty for Perjury:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Penalty for Perjury:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the county general fund, which would receive 27% of the \$120 criminal costs fee that is assessed in a court of record.

Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected: Indiana Department of Environmental Management; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction; Brian Rockensuess, Indiana Department of Environmental Management.

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